19

Department of

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~~His~~ No. ~~5945~~ 3543.

Dated ~~24~~ 15/2 - 8

Pages in the File

(SUBJECT.)

Visit of ... 1934 - (Railway) -
... - Engagement -
... - Date - Time - Invitation
... - Reception

L2110
No.S/10850

GOVERNMENT OF MADRAS.

Development Department.

Memorandum No.4761-III/38, dated 5th December 1938.

Subject: Sugarcane Act, 1934 (India Act XV of 1934) - Minimum prices - Enforcement - Bellary. Rules under the Act - Final publication.

The Superintendent, Government Press is requested to publish the appended notifications in the next issue of the Fort St.George Gazette and of the Bellary District Gazette. All the four notifications should be published in the same issue. He is also requested to see that in Notification III (published under sub-section (3) of section 3 of the Act), the number and date of Notification I (published under sub section (1) of section 3 of the Act) and the date of the gazette and the pages on which it is published are entered in the space shown by blanks. He is requested to send two copies of the notifications to this Department.

The Director of Agriculture / Collector and Dist.Magistrate of Bellary is requested to instruct the Assistant Director of Agriculture / Revenue staff in the Bellary / Hospet taluk to bring the contents of the notifications to the notice of the ryots in the important sugarcane areas of the taluk.

C.J.Paul,
Secretary to Government.

To the Superintendent, Government Press, Madras.
" the Director of Agriculture, Madras.
" the Director of Industries, Madras.
" the Registrar of Co-operative Societies.
" the Collector and Dist. Magistrate of Bellary.
Copy to the Board of Revenue, Madras.

with enclosure.

Forwarded.
(By Order)

M. Hedford 5/12/38

Superintendent.

NOTIFICATION I.

In exercise of the powers conferred by sub-section (1) os section 3 of the Sugarcane Act, 1934 (XV of 1934) and after previous publication as required by section 4 of the said Act the Government of Madras are hereby pleased to declare that with effect on and from the 6th December 1938 the Hospet revenue taluk of the Bellary district shall be a controlled area for the purposes of the said Act.

NOTIFICATION II.

In exercise of the powers conferred by sub-section (2) of section 3 of the Sugarcane Act, 1934 (XV of 1934) and after previous publication as required by section 4 of the said Act the Government of Madras are hereby pleased to fix, with effect on and from the 6th December 1938, the minimum prices specified in column (3) of the schedule below for the purchase in the controlled area specified in column (1) thereof, of the varieties of sugarcane mentioned in column (2) the said schedule, such sugarcane being intended for use in a factory as defined in the said Act.

EXPLANATION. The prices specified in column (3) of the schedule are for delivery of sugarcane xx at the factory.

SCHEDULE.

Controlled area. (1)	Variety of sugarcane. (2)	Minimum price per ton. (3) Rs. a. p.
Hospet taluk.	Plant sugarcane of Co.290 and other Coimbatore varieties. ..	9 8 0
	Local sugarcane. ..	9 0 0
	Ratoon sugarcane of any Coimbatore variety. ..	8 8 0

NOTIFICATION III.

In exercise of the powers conferred by sub-section (3) of section 3 of the Sugarcane Act, 1934 (XV of 1934), the Government of Madras are hereby pleased to prohibit the purchase of sugarcane in the Hospet revenue taluk of the Bellary district (which has been notified as a controlled area in Development Department Notification No. . . . . dated the . . . . . published at page . . . . . of Part I of the Fort St. George Gazette dated the . . . . .), intended for use in any sugar factory in the said taluk from any person otherwise than from

(i) the grower of such sugarcane or a person representing himself to be such grower, or

(ii) a person duly authorised in writing by such grower or person representing himself to be such grower to sell sugarcane on his behalf, or

(iii) a co-operative society of sugarcane growers organised for sugarcane supply.

Explanation:- No person who has purchased sugarcane from the grower or has lent money to him or who is employed by the occupier or manager of a sugar factory shall be authorised by the grower to act on his behalf for the sale of sugarcane.

NOTIFICATION IV.

In exercise of the powers conferred by section 7 of the Sugarcane Act, 1934 (XV of 1934) the Government of Madras are hereby pleased to make the following rules:-

THE MADRAS SUGARCANE RULES, 1938.

title, ent and mencement.

1(1) These rules may be called the Madras Sugarcane Rules, 1938.

(2) They shall extend to the Hospet taluk of the Bellary district in the Province of Madras.

(3) They shall come into force on 6th December 1938.

Definitions.

2. In these rules unless there is anything repugnant in the subject or context -

(i) 'the Act' means the Sugarcane Act, 1934;

(ii) 'District Magistrate' means the District Magistrate, Bellary;

(iii) 'Government' except in the expression 'Government securities' means the Government of Madras;

(iv) 'prescribed authority' means an authority specified in rule 3;

(v) 'purchasing centre' means any place at which sugarcane intended for use in a sugar factory is purchased, supplied, delivered, weighed or paid for and includes such portions of the premises of a sugar factory at which any of these operations takes place; and

(vi) 'sugar factory' means a factory as defined in the Act.

Authorities.

3 (1) The authorities by which the functions under the Act or these rules are to be performed shall be (i) the District Magistrate;

(ii) all Gazetted officers of the Agricultural, Industries and Co-operative Departments; and

(iii) such other officers as may be appointed by the Government in this behalf.

(2) The officers mentioned in sub-rule (1) shall be entitled to perform their functions only in

such areas of the Hospet taluk as are within their territorial jurisdiction.

4. Any prescribed authority may within his jurisdiction:

(a) with such assistants, if any, being persons in the service of the Crown, as he thinks fit, enter any place which is, or which he has reason to believe to be, used as a sugar factory or as weighbridge premises for weighing sugarcane for a sugar factory; and make such examination of the premises and machinery and of any prescribed registers, and take on the spot, or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of the Act or of these rules;

Provided that in the case of a sugar factory which is owned by a company registered under the Indian Companies Act, 1913, or a co-operative society registered or deemed to be registered under the Madras Co-operative Societies Act, 1932, he shall not enter any portion of the sugar factory except the weighbridge and sugarcane carrier premises and the office and he shall not examine any machinery other than the weighbridges or other scales used for weighing sugarcane;

(b) have carts carrying sugarcane or consignments of sugarcane weighed or re-weighed in his presence; and

(c) exercise in good faith such other powers as are necessary for carrying out the purposes of the Act or of these rules.

5 (1) The occupier of a sugar factory shall mean the person or body of persons having ultimate

control over its affairs:

Provided that --

(a) where the affairs of a sugar factory are entrusted to a managing agent or agents or to a lessee or lessees, such agent or agents or lessee or lessees shall be deemed to be the occupier of the sugar factory;

(b) where the occupier of a sugar factory is a company registered under the Indian Companies Act, 1913 or a co-operative society registered or deemed to be registered under the Madras Co-operative Societies Act, 1932, everyone of the directors thereof, or in the case of a private company everyone of the shareholders thereof, shall be deemed to be the occupier of the sugar factory for the purposes of these rules unless the company or co-operative society has by notice to the District Magistrate nominated a director, or, in the case of a private company, a shareholder, to be the occupier of the sugar factory. Such notice shall be in the form appended to these rules and shall be signed by the director or shareholder concerned in token of his acceptance of such nomination and sent in duplicate: The director or shareholder so nominated shall be deemed to be the occupier of the sugar factory for the purposes of these rules until a further notice cancelling his nomination or intimating his resignation is received by the District Magistrate or until he ceases to be a director or shareholder and intimates this fact to the District Magistrate;

(c) where the occupier of a sugar factory is a firm, partnership or other association of individuals, every one of the individual partners or members thereof shall be deemed to be the occupier of the sugar factory for the purposes of these rules unless the firm, partnership or association has by notice given to the District Magistrate

nominated one of their number to be the occupier of the sugar factory; such notice shall be in the Form appended to these rules and shall be signed by the person so nominated in token of his acceptance of such nomination and sent in duplicate. Thereupon such individual shall be deemed to be the occupier of the sugar factory for the purposes of these rules until a further notice cancelling his nomination or intimating his resignation is received by the District Magistrate or until he ceases to be a partner or member of the firm or association.

(2) The occupier of a sugar factory shall from time to time appoint a person as the manager of the factory for the purposes of these rules and shall send to the District Magistrate a written notice in the Form appended to these rules in duplicate containing the name of the person so appointed and signed by the latter in token of his acceptance. Thereupon such person shall be deemed to be the manager of the sugar factory for the purposes of these rules. The occupier shall also execute a Power of Attorney in favour of the person nominated as manager.

EXPLANATION. The term 'manager' includes a Cane-Superintendent.

(3) The manager of a sugar factory shall be required to deposit with the occupier thereof a sum of Rs.1,000/- in cash or Government securities of that market value or Post Office Cash Certificates of that encashment value, or to hypothecate to the occupier thereof landed property worth not less than Rs.2,000/- as security for

Provided that the District Magistrate may exempt him from giving such security or permit him to give a lower security;

Provided further that this sub-rule shall not apply to the manager of a sugar factory worked by the open pan process.

(4) Whenever a new manager is appointed for a sugar factory, the occupier thereof shall send to the District Magistrate in duplicate in the form appended to these rules a written notice of the change, signed by the person newly appointed in token of his acceptance of the appointment within seven days from the date on which the new manager assumes charge of the sugar factory.

(5) During any period for which no person has been appointed as manager of a sugar factory under this rule, any person found acting as a manager, or if no such person is found or can be proved to have been so acting, the occupier of the sugar factory himself, shall be deemed to be the manager of the sugar factory for the purposes of these rules.

Purchase of Sugarcane.

6 (1) The manager of a sugar factory shall from time to time intimate to the District Magistrate the names of, and full particulars about, the persons whom he employs for purchasing sugarcane on his behalf at the various purchasing centres and he shall not permit any other person to purchase sugar-cane on his behalf for the sugar factory.

(2) Any person falsely representing himself as a grow of sugarcane or as a person duly authorized by him shall punishable with fine which may extend to Rs. 300/-

eighments. 7(1) All dealings and contracts in connexion with the purch se and sup ly of sugarcane shall be had and made according to the standard ton of 2,240 lbs. and it shall not be lawful to use any other weight in relation to any such dealing or contract.

(2) All weighments of sugarcane shall be made by the ton of 2,240 lbs. or multiples and sub multiples thereof and shall be made correctly and to the nearest sixteenth of a cut.

(3) No scales or weights other than those approved by the District Magistrate shall be used, kept or possessed for the weighment of sugarcane by, or on behalf of, an occupier or manager of sugar factory;

Provided that the District Magistrate shall be bound to approve any scales and weights which comply with the rules and which weigh correctly to within ½ per cent of the correct weight;

Provided further that no weighbridge, other than one belonging to a railway administration shall be so approved unless the scale and is clearly marked and is either accessible to the vendors of sugarcane and their authorized agents or legible to persons standing near the carts which are being weighed.

(4) All scales and weights used, kept or possessed for weighing sugarcane purchased for a sugar factory shall be open to inspection, examination and test by a prescribed authority at all times without notice and shall be made available for such inspection, examination or test when required by such authority.

(5) At every place where sugarcane is being purchased for a sugar factory, adequate facilities for weighment, to the satisfaction of the District Magistrate, shall be provided, and carts shall not be kept waiting unduly for weighments.

(6) Weighments of sugarcane for a sugar factory shall not be made after half an hour after sunset, unless lighting arrangements approved by the District Magistrate as sufficient for the easy reading of the scale arm by both the purchaser and the vendor or his authorized agent are made and maintained.

(7) No deduction shall be made from the weight of the sugarcane recorded on the ground that the sugarcane is improperly stripped or is otherwise unsuitable.

Payments. 8 (1) All payments for sugarcane purchased for a sugar factory shall be made at the purchasing centre within 24 hours of weighment if so demanded by the vendor.

(2) No deduction shall be made by way of fine or otherwise from the price of the sugarcane purchased which would reduce such price to a figure below that calculated at the prescribed minimum rate:

Provided that if any loan has been advanced to the person from whom the sugarcane has been purchased, the amount of such loan, together with simple interest thereon at a rate not exceeding six and one-fourth per cent per annum for the period the loan has been outstanding, may be deducted subject to the terms of agreement from the amount paid for the sugarcane.

Notices. 9(1) The manager of a sugar factory shall cause to be put up throughout the sugarcane purchasing season at each purchasing centre a copy of an abstract of these rules and notices showing correctly, the minimum price or prices fixed by Government and the rates at which sugarcane is being purchased for the sugar factory at that centre.

(2) Such notices shall be put up --

(a) at each entrance to the sugar factory;

(b) at the railway, tramway or other stations at which purchases of sugarcane are made for the x sugar factory by any person employed by the occupier or manager of the sugar factory or acting on ~~xxxxx~~ behalf of such occupier or manager

(c) at such other conspicuous places near the places mentioned in clauses (a) and (b) as the District Magistrate may direct.

(3) Entries in such notices shall be made legibly both in English and in the language or ~~xxxxxxxx~~ languages of the district and shall be on one side of the paper only.

Registers and Records.

10 (1) The manager of a sugar factory shall maintain or cause to be maintained at each purchasing centre ---

(i) a register showing:--

(a) the name of the person from whom the sugarcane is purchased, with his full address, together with similar particulars about the person (if any) authorised by the vendor to deliver the sugarcane on his behalf;

(b) the weight of the sugarcane purchased;

(c) the rate at which it is purchased;

(d) the price that has to be paid for it at that rate;

(e) the amount of loan (if any) advanced to the person from whom the sugarcane is purchased;

(f) the amount of interest on the loan up to the date of recovery of the same (if any);

(g) the amount actually paid or account of the sugarcane purchased;

(h) the date of purchase of sugarcane;

(i) the date of payment of the amount mentioned in clause (g); and

(j) the name of the person employed by the occupier or manager of the sugar factory and acting on his behalf, by whom the sugarcane is purchased; and

(ii) a chitta or memorandum in book form with counter-foils. A copy of the counterfoil shall be issued to each person from whom sugarcane is purchased. The counterfoil shall be serially numbered and shall contain the quantity of sugarcane purchased, the rate at which it is purchased, the amount to be paid and the amount actually paid.

(2) The register referred to in clause (i) and counter-foils of the chitta or memorandum referred to in clause (ii) of sub-rule (1) shall be open to inspection and check by the prescribed authority.

(3) The manager of every sugar factory shall submit a forecast report to the District Magistrate, and the heads of the ~~Agricultural~~ Agriculture, Industries and Co-operative Departments, a month in advance of the sugarcane crushing season. The report shall contain particulars regarding the estimated duration of the crushing season, the estimated sugarcane supply and the estimated production of sugar and its bye products.

(4) The manager of every sugar factory shall submit to the District Magistrate, and the heads of the Agriculture, Co-operative and Industries Departments on the fifth of every month, a monthly return relating to the purchase of sugarcane in the preceding month, showing;--

(a) the total quantity of sugarcane crushed

(i) during the month to which the report relates; and

(ii) during the sugarcane crushing season up to the end of the month preceding that to which ~~the~~ the report relates;

(b) the actual rates at which sugarcane was purchased, the quantity of sugarcane purchased at each rate (if there are different rates), and the amount paid for the sugarcane purchased at different rates;

(c) the average price paid for a ton of sugarcane;

(i) during the month to which the report relates; and

(ii) during the sugarcane crushing season up to the end of the month preceding that to which the report relates;

(d) the average recovery of sugar

(i) during the month to which the report relates; and

(ii) during the sugarcane crushing season up to the end of the month preceding that to which the report relates; and

(e) the total quantity of sugar produced:

(i) during the month to which the report relates; and

(ii) during the sugarcane crushing season up to the end of the month preceding that to which the report relates;

(5) The Manager of every sugar factory shall submit to the District Magistrate and the heads of the Agricultural, Industries and Co-operative Departments, a final report two weeks after the close of each sugarcane-crushing season containing the following particulars namely:--

(a) Duration of the working season.

(b) Quantity of sugarcane crushed.

(c) Average price paid per ton of sugarcane.

(d) Quantity of sugar produced according to grades.

(e) Quantity of molasses.

(f) Average recovery.

(g) Average price realised per ton of sugar according to grades.

(h) Quantity of molasses sold; and

(i) Average price realised per ton of molasses.

Penalties. 11 (1). If the manager or if no manager has been appointed, the occupier of a sugar factory or other person acting on his behalf or any person employed by him and acting on his behalf,

(a) has or makes dealings or contracts in connection with the purchase and supply of sugarcane for a sugar factory by a weight other than the standard ton of 2,240 lbs. and multiples or sub-multiples thereof;

(b) uses a weight other than the standard ton of 2,240 lbs. and multiples or sub-multiples thereof for weighing the sugarcane purchased or obtained for a sugar factory or fails to make weighments correctly and to the nearest sixteenth of a cwt.;

(c) uses, keeps or possesses scales or weights which are incorrect or which have not been approved by the District Magistrate for weighing sugarcane purchased or obtained for a sugar factory;

(d) fails to make available for inspection, examination or test by the prescribed authority when so required by such authority, the scales and weights used, kept or possessed for weighing sugarcane purchased for a sugar factory;

(e) fails to provide adequate facilities for weighment to the satisfaction of the District Magistrate or keeps carts waiting unduly for weighments;

(f) weighs sugarcane for the sugar factory after half an hour after sunset without making proper lighting arrangements to the satisfaction of the District Magistrate;

(g) makes deductions from the weight of sugar-cane

recorded on the ground that the sugarcane is improperly stripped or is otherwise unsuitable;

(h) fails to make payments for sugarcane purchased for a sugar factory in accordance with the provisions of sub rule (1) of rule 8; or

(i) makes deductions from the price of the sugarcane purchased which reduces such price to a figure below that calculated at the prescribed minimum rates

he shall be punishable with fine not exceeding five hundred rupees.

(2) If the manager of a sugar factory or any person acting on his behalf or any person employed by him and acting on his behalf --

(a) fails to comply with or contravenes the provisions of sub-rule (1) of rule 6,

(b) fails to put up an abstract of the rules or any notice as required by these rules;

(c) puts up any notice which is proved to be incorrect in any material particular or otherwise not in accordance with these rules;

(d) fails to maintain, or cause to be maintained, any register, chitta or memorandum or fails to issue, or cause to be issued, a copy of the counterfoil of such chitta or memorandum as required by these rules;

(e) maintains, or causes to be maintained, a register, chitta or memorandum or issues, or causes to be issued, a copy of the counterfoil of the chitta or memorandum which contains an entry which is proved to be incorrect in any material particular or does not comply with the requirements of these rules;

(f) destroys, or causes to be destroyed, any register or record or copy of the counterfoil of the chitta or memorandum before the expiry of one year from

the date of the last entry therein;

(g) fails to make available at a purchasing centre the register, chitta or memorandum or the counterfoil of the chitta or memorandum for the inspection of a prescribed authority when required by such authority for inspection;

(h) fails to submit within the prescribed time the forecast report referredto in sub-rule (3) of rule 10;

(i) fails to submit within the prescribed time the monthly return referred to in sub rule (4) of rule 10; or

(j) fails to submit within the prescribed time the final report referred to in sub-rule (5) of rule 10;

he shall be punishable with fine not exceeding three hundred rupees and in case of a continuing offence to fine not exceeding fifty rupees for each day the offence is continued after the first day, subject to a maximum of two thousand rupees.

(3) Where the occupier or manager of a sugar factory is charged with an offence against these rules, he shall be entitled subject to the discretion of the Court upon complaint duly made by him to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge; the trial of the case shall thereupon proceed as if such other person were also an accused person; and if, after the conviction of the offence has been proved, the occupier or manager of the sugar factory proves to the satisfaction of the Court. --

(a) that he has used due diligence to enforce the observance of these rules, and

(b) that the said other person committed the offence in question without his knowledge, consent or connivance,

that other person shall be convicted of the offence and shall be liable to the like fine as if he were the occupier or manager of the sugar factory and such occupier

or manager shall be discharged from all liability in respect thereof under these rules.

(4) When it is made to appear to the satisfaction of the District Magistrate at any time prior to the initiation of a prosecution -

(a) that the occupier or manager of the sugar factory exercised all due diligence to enforce the observance of these rules, and

(b) that the offence has been committed without the knowledge, consent or connivance of the occupier or manager or in contravention of his orders, --

the District Magistrate shall proceed against the person whom he believes or has reason to believe to be the actual offender without first proceeding against the occupier or manager of the sugar factory, and such person shall be liable to the like fine as if he were such occupier or manager.

(5) A breach of any other rule not otherwise provided for shall be punishable with fine not exceeding three hundred rupees.

12. If any person convicted of an offence under these rules is again convicted of a similar offence, he shall be liable for each such offence to twice the punishment prescribed for the first offence and shall in the case of a second conviction be punished with fine which shall not be less than one hundred rupees, and in the case of a third or subsequent conviction, shall be punished with fine which shall not be less than two hundred and fifty rupees:

Provided that for the purposes of this rule no cognizance shall be taken of any conviction which took place more than one year before the commission of the offence which the subject of the prosecution.

13 (1). No prosecution shall be instituted under these rules except upon complaint made by or under authority from the District Magistrate;

Provided that the District Magistrate shall not make a complaint or pass an order for prosecution for an offence under clause (h) of sub-rule (1) of rule 11 unless he is satisfied that there is a general complaint of non-payment within the prescribed time.

(2) No offence under these rules shall be tried by any court other than the High Court, a court of session or a court of salaried magistrate of the first or second class.

(3) No court shall take cognizance of any offence under these rules except upon complaint made within six months of the date on which the offence is alleged to have been committed and within three months of the last date on which sugarcane was crushed at the factory concerned during the season in which the offence was committed.

14. All matters connected with the interpretation of these rules shall be referred to the Director of Agriculture, Madras.

C. J. Paul,
8 - 12 - 38.

F O R M.

(See rule 6)

Form of nomination of occupier / manager.

We ----------

hereby give notice that we have nominated ----------

----------under Rule 5 ---------- to be

occupier/manager of the ----------sugar

factory for the purpose of the Madras Sugarcane Rules, 1935,

and that he has accepted his nomination we each with effect

from----------.

*The manager has furnished a security of Rs. in cash or hypothecated landed property

Government securities or Post Office Cash Certificates

worth Rs.

as security.

Accepted ----------

Occupier / Manager. (Nominee).

-oXo-

---

* Need not be filled up in the case of an occupier.

C.F. 16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

SUBJECT:— Sugar Cane Act, 1934 — (Bellary) - Minimum prices - Enforcement - Rules under the Act - Final publication and ... Recorded.

READ AGAIN _____, dated Forwarding Memo - Recorded. 19____.

" " _____ " _____ 19____.

READ ALSO:—

No. 6.2110 From the Govt. Sugar Dept. No. Memo no. 4761-III/38, dated 5-12-38 19____.

" _____ " _____ " _____ " _____ 19____.

" _____ " _____ " _____ " _____ 19____.

~~Order~~ / Resolution ~~Rom.~~ Ms. No. 3543, dated 15-12-1938.

Recorded.

MS

14/12/38

KN
10/12

14/12/38

BOARD OF REVENUE
20 DEC 1938
MADRAS

DEVELOPMENT DEPARTMENT
* * * *

No.34010-III/38.

Post Copy of Telephonic Message dated the 17th December 1938

From the Assistant Secretary to Government, Development Department

To the Suprintendent, Government Press.

R.F:- Government Memorandum No.4761-III/38, dated the 5th December 1938.

Subject:- Sugar Cane Act - 1934 - Notification and Rules.

Please print the notifications and rules in a pamphlet form and supply 50 copies to the Director of Agriculture, 10 to the Collector and District Magistrate, Bellary, 5 each to the Board of Revenue, Director of Industries, and Registrar of Co-operative Societies and send 25 copies to this Department. 50 copies may be kept for sale at the Press.

/True Copy/

Superintendent.

Post Copy to the Board of Revenue.
" " " " Director of Agriculture
" " " " " " Industries
" " " " Registrar of Co-operative Societies.
" " " " Collector and District Magistrate, Bellary.

To Asst Secy

Two printed copies of the notifications & rules may be awaited. & this may be recorded stitched with (D) 28/12 B Mis 35438/38 & 15 7 38